

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
INTERIOR TELEPHONE COMPANY)	WC Docket No. 07-102
)	
Petition for Declaratory Ruling clarifying)	
Scope and Requirements of Section 51.715)	
of the Commission's Rules)	

**COMMENTS OF
THE WESTERN TELECOMMUNICATIONS ALLIANCE
AND
THE ORGANIZATION FOR THE PROMOTION AND
ADVANCEMENT OF SMALL TELECOMMUNICATIONS COMPANIES**

The Western Telecommunications Alliance ("WTA") and the Organization for the Promotion and Advancement of Small Telecommunications Companies ("OPASTCO") submits comments supporting the petition of Interior Telephone Company ("ITC") for a declaratory ruling that Section 51.715 of the Commission's Rules does not require "interim interconnection" during the time period established in Section 252 of the Communications Act for the voluntary negotiation and arbitration of the price and non-price terms of an interconnection agreement. In particular, WTA does not believe that "interim interconnection" is required when [as appears to true regarding the subject negotiations between ITC and General Communications, Inc. ("GCI")], transport and termination rate issues have been resolved and the ongoing interconnection negotiations involve multiple non-price issues.

WTA is a trade association that represents approximately 250 rural incumbent local exchange carriers ("ILECs") operating west of the Mississippi River, including ITC and other Alaskan carriers.

OPASTCO is a national trade association representing over 520 small ILECs serving rural areas of the United States. Its members, which include both commercial companies and cooperatives, together serve more than 3.5 million customers.

Sections 251 and 252 were adopted as part of the 1996 Act to establish the respective interconnection rights and obligations of incumbent and competitive local exchange carriers, and to set procedures and timelines for the negotiation and execution of interconnection agreements and arrangements. Section 51.715, one of the Commission Rules implementing these statutory provisions, specifies interim transport and termination rates in situations where a state commission has not established transport and termination rates on the basis of forward-looking economic cost studies and does not have the time or resources to complete such a study during the Section 252 time period.

However, interconnection arrangements entail a plethora of important issues in addition to transport and termination rates. These include: (a) the location(s) of interconnection point(s); (b) the design, capacity, quality, operation, reliability and maintenance of the facilities on each side of the interconnection points; (c) the signaling method to be used to connect the two networks; (d) the nature and types of traffic to be exchanged; (e) the nature and amount of the identifying information that must accompany exchanged traffic; (f) procedures for distinguishing local from access traffic for billing and termination purposes; (g) responsibility for 911 and E911 access; (h) responsibility for operator and directory assistance; (h) dialing parity; (i) responsibility for obtaining NXX codes or number blocks; and (k) local number portability procedures.

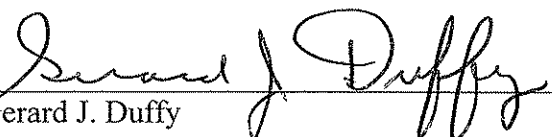
Commencement of an “interim interconnection” arrangement without resolution of these critical non-price issues can lead to a host of potential service problems, disputes and disruptions.

In addition, the operation of an “interim interconnection” arrangement without an executed agreement between the carriers (whether they are friendly or hostile) can lead to serious and substantial legal issues regarding: (a) limitation of the liability of each carrier with respect to the other carrier’s customers; (b) indemnification of each carrier by the other for certain negligent or wrongful acts; (c) identification, use and disclosure of proprietary information; (d) defaults, breaches and other actions that may warrant termination of the arrangement; and (e) limitations on the power or apparent agency power of each carrier to bind or obligate the other carrier.

WTA and OPASTCO submit that Sections 251 and 252 very effectively promote local exchange competition, and that their procedures and timelines enable competitors to enter markets in an orderly and efficient manner. There is absolutely no legal basis or reason to allow GCI or any other entity to recast the limited interim transport/termination rate exception of Section 51.715 into a general right to interconnect immediately on an “interim” basis before many or most of the critical details of such interconnection are negotiated and agreed upon. Such a haphazard approach not only would cause substantial service disputes, disruptions and interruptions due to unresolved non-price issues that could irreparably harm customers, but also would produce serious legal battles and liabilities that otherwise could have been avoided.


WTA and OPASTCO urge the Commission to issue the declaratory ruling requested by ITC, and to clarify that Section 51.715 does not require ILECs to provide "interim interconnection" when they are in the process of negotiating non-price interconnection terms pursuant to Section 252 timelines (and particularly when there is no dispute regarding transport and termination rates).

Respectfully submitted,
**THE WESTERN TELECOMMUNICATIONS
 ALLIANCE**

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